

Serial No. 09/991,384  
Page 5 of 7**REMARKS**

Claims 1-9 are pending in the present application. Applicants amend claims 1 and 2 to clarify the invention. Applicants refer to Figs. 5 and 6, and page 7, line 15 to page 10, line 2 of the specification for exemplary embodiments of and support for the claimed invention. No new matter has been added.

Applicants respectfully request that the Examiner properly acknowledge the receipt of all certified copies of the priority documents for this application. Applicants further request that the Examiner indicate acceptance of the drawings.

Claims 1-2 and 7-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,658,473 to Block et al. in view of U.S. Patent No. 6,401,121 to Yoshida et al.; and claims 3-6 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Block et al. in view of Yoshida et al., and further in view of U.S. Patent No. 5,067,127 to Ochiai. Applicants amend claims 1 and 2 in a good faith effort to further clarify the invention as distinguished from the cited references. Applicants respectfully traverse the rejections.

Col. 12, lines 5-22 of Block et al. provide an example of “pseudo-code” that is periodically performed by a “group manager process.”  $C[r, s]$  (resource capacity of a server),  $U[r, s]$  (resource utilization on the server at the time of sampling), and  $A[r, s]$  (amount of the resource used on average by session, based on empirical measurements) are obtained by querying the operating system—col. 12, lines 51-61—and, based on these values,  $DR[r, s]$  (desirability of assigning a session to servers based on the resource-specific information) is derived. Then, the “probabilistic weight” is derived as shown in Fig. 10A of Block et al., and a random number is used based on the derived “probabilistic weight” to select a server. Please see, e.g., Fig. 10B of Block et al.

84133910\_1

Serial No. 09/991,384

Page 6 of 7

Therefore, DR[r, s] or the “probabilistic weight” is only derived in a current process cycle by the “group manager process.” In other words, the DR[r, s] or the “probabilistic weight” derived in a previous process cycle by the “group manager process” is not used for the current process cycle. Thus, Block et al. do not disclose or suggest accumulating weight value from a preceding process for use in a subsequent process. Indeed, Block et al., as cited and relied upon by the Examiner, only describe calculating a “probabilistic weight” for each server based on a “server’s capacity and load” collected by the “group manager process,” and do not disclose or suggest updating the “server’s capacity and load” by adding any “probabilistic weight” to it.

In other words, even assuming, arguendo, that it would have been obvious to combine Block et al. and Yoshida et al., such a combination would, at most, suggest a desirability value derived from information obtained in a current process cycle, and would fail to disclose or suggest,

“[a] load-distribution method that transmits packets received from a network to two or more transmission destinations to distribute a load, comprising:

storing a weight value of distribution and an accumulated value for each of the two or more transmission destinations, the accumulated value being updated by adding a value derived from said weight value to the accumulated value, upon occurrence of a distribution event; and

transmitting the received packets, upon occurrence of the distribution event, to a transmission destination that has a smallest accumulated value,” as recited in claim 1. (Emphasis added)

Accordingly, Applicants respectfully submit that claim 1 is patentable over Block et al. and Yoshida et al., separately and in combination, for at least the foregoing reasons. Claim 2 incorporates features that correspond to those of claim 1, and is, therefore, together with claims 7-9 dependent from claim 2, patentable over the cited references for at least the same reasons.

84133910\_1

Serial No. 09/991,384

Page 7 of 7

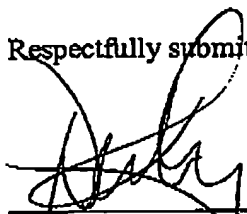
The Examiner relied upon Ochiai as a combining reference to specifically address the additional features recited in dependent claims 3-6. Therefore, even assuming that it would have been obvious to combine Ochiai with Block et al. and Yoshida et al., the combination would still have failed to overcome the above-described deficiencies of Block et al. and Yoshida et al. with respect to base claim 2. Accordingly, Applicants respectfully submit that claims 3-6, which depend from claim 2, are patentable over the cited references for at least the same reasons as those stated above with respect to base claim 2.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Dexter T. Chang  
Reg. No. 44,071

CUSTOMER NUMBER 026304  
Telephone: (212) 940-6384  
Fax: (212) 940-8986 or 8987  
Docket No.: 100794-00090 (FUJI 19.200)  
DTC:bf  
84133910\_1

MAY 12 2006

Serial No. 09/991,384

Page 7 of 7

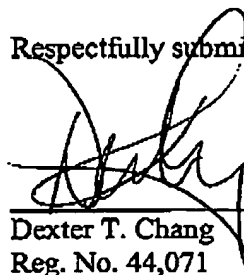
The Examiner relied upon Ochiai as a combining reference to specifically address the additional features recited in dependent claims 3-6. Therefore, even assuming that it would have been obvious to combine Ochiai with Block et al. and Yoshida et al., the combination would still have failed to overcome the above-described deficiencies of Block et al. and Yoshida et al. with respect to base claim 2. Accordingly, Applicants respectfully submit that claims 3-6, which depend from claim 2, are patentable over the cited references for at least the same reasons as those stated above with respect to base claim 2.

The above statements on the disclosure in the cited references represent the present opinions of the undersigned attorney. The Examiner is respectfully requested to specifically indicate those portions of the respective reference that provide the basis for a view contrary to any of the above-stated opinions.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,

  
Dexter T. Chang  
Reg. No. 44,071

CUSTOMER NUMBER 026304  
Telephone: (212) 940-6384  
Fax: (212) 940-8986 or 8987  
Docket No.: 100794-00090 (FUJI 19.200)  
DTC:bf  
84133910\_1